



RAJASTHAN STATE POLLUTION CONTROL BOARD
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F.14 (21) Policy/RSPCB/Plg / 139/160

Date 15/6/21

Office Order

MoEF & CC, Government of India vide its Notification dated 2.03.2021 has exempted the requirement of prior environmental clearance for the existing projects (having Prior Environmental Clearance) with no increase in pollution load. As per the procedure laid down in the said notification, the project proponent is required to furnish information regarding such changes along with no increase in pollution load certificate, from the environmental auditor or reputed institutions empaneled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change.

Verification of such change or expansion or modernisation resulting into increase in pollution load or not has been vested with the State Pollution Control Boards. Accordingly, a committee of the following officers headed by Member Secretary, RPCB is hereby constituted to verify and examine all such cases:

1. Chief Environmental Engineer, RSPCB
2. Chief Scientific Officer, RSPCB
3. Concerned Group Head
4. GIC (Project)

The above committee may devise procedure for verification and also Formats, if any for obtaining details from the project proponents. Project Cell will coordinate activities of the aforesaid committee.

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(Dr. G.S. Bhardwaj)
Member Secretary

Copy to the following for information and necessary action:

1. PS to Chairperson, RSPCB
2. PS to Member Secretary, RSPCB
3. Chief Environmental Engineer, RSPCB
4. Chief Scientific Officer, RSPCB
5. Concerned Group Head
6. GIC (Project)
7. GIC(IT) to please upload the office order on the RSPCB website.


Member Secretary

1. परियोजना प्रस्तावक से अपेक्षा की जाती है कि वह ऐसे पर्यावरण संपरीक्षकों या प्रतिष्ठित संस्थाओं, जो राज्य प्रदूषण नियंत्रण बोर्ड या केंद्रीय प्रदूषण नियंत्रण बोर्ड या पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (जिसे इसमें इसके पश्चात् मंत्रालय कहा गया है) द्वारा पेनलीकृत की जाएं, से 'प्रदूषण भार में कोई वृद्धि नहीं' का प्रमाणपत्र अभिप्राप्त करे।

2. मंत्रालय द्वारा परिवेश पोर्टल पर, समय-समय पर उपलब्ध कराए गए अनुसार, 'प्रदूषण भार में कोई वृद्धि नहीं' प्रमाणपत्र और सूचना की एक प्रति उस यूनिट द्वारा अपलोड की जाएगी, जिसके लिए प्रणाली सृजित अभिस्वीकृति आनलाइन जारी की जाएगी।

3. यूनिट, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को विनिर्दिष्ट रूपविधान में निम्नलिखित के साथ सूचित करेगी,—

i. राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति या केंद्रीय प्रदूषण नियंत्रण बोर्ड या मंत्रालय द्वारा पेनलीकृत पर्यावरण संपरीक्षक या प्रतिष्ठित संस्था से 'प्रदूषण भार में कोई वृद्धि नहीं' का प्रमाणपत्र ;

ii. परियोजना या क्रियाकलाप के लिए प्रचालन के लिए अंतिम सहमति प्रमाणपत्र ; और

iii. परिवेश पोर्टल पर सूचना और 'प्रदूषण भार में कोई वृद्धि नहीं' प्रमाणपत्र अपलोड करने की आनलाइन सृजित प्रणाली अभिस्वीकृति।

4. इस प्रकार अभिप्राप्त सूचना की, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा परीक्षा की जाएगी, जो, परियोजना प्रस्तावक से अभिप्राप्त, ऐसी सूचना पर विनिश्चय करेगा/करेगी।

5. यदि, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, सत्यापन किए जाने पर पर यह पाते हैं कि परिवर्तन या विस्तार या आधुनिकीकरण का परिणाम प्रदूषण भार में वृद्धि के रूप में होगा या हुआ है, तो इस खंड के अधीन दावा की गई छूट विधिमान्य नहीं होगी और यह माना जाएगा कि परियोजना प्रस्तावक, ऐसे परिवर्तन या वृद्धि करने से पहले, इस अधिसूचना के पैरा 7 के उपपैरा (ii) खंड (क) के अनुसार, पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करने का दायी होगा और पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंध तदनुसार लागू होंगे।

टिप्पण : शंकाओं को दूर करने के लिए, यह स्पष्ट किया जाता है कि परियोजना प्रस्तावक का यह उत्तरदायित्व होगा कि वह, ऐसा परिवर्तन या वृद्धि करने से पूर्व, यथास्थिति, परिवर्तन, विस्तार या आधुनिकीकरण के परिणामस्वरूप 'प्रदूषण भार में कोई वृद्धि नहीं' के संबंध में स्वयं का ममाधान करे और परियोजना प्रस्तावक, पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अधीन कार्रवाई के लिए दायी होगा, यदि तथ्यों या दावे के सत्यापन किए जाने पर यह पाया जाता है कि ऐसे परिवर्तन, विस्तार या आधुनिकीकरण से प्रदूषण भार में वृद्धि अंतर्वलित है।"

[फा. सं. 22-33/2019-आईए. III]

गीता सेनन, संयुक्त सचिव

टिप्पण : मूल अधिसूचना, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में, अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 221(अ), तारीख 18 जनवरी, 2021 द्वारा उसमें अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 2nd March, 2021

S.O. 980(E).—WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the EIA Notification), the Central Government directed that on and from the date of its publication, the new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the EIA notification entailing capacity addition with change in process or technology and/or product mix shall be undertaken in any part of India only after obtaining prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

AND WHEREAS, with core principle of 'no increase in pollution load', the Central Government has amended the EIA notification by notifications number S.O. 3518(E), dated the 23rd November, 2016 and number S.O. 236 (E), dated the 16th January, 2020 providing flexibility in change in product-mix; change in quantities within products or number of products in the same category including resultant increase in the production with a cap of 50 per cent for which environmental clearance has been granted; change in configuration of the plant from the environmental clearance conditions during execution of the project;

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in receipt of requests from processing, production and manufacturing sector for permitting increase in production capacity without having to go through entire environmental clearance process again as long as there is no increase in pollution load;

AND WHEREAS, based on the experience in implementation of the EIA notification as amended by aforesaid notification number S.O. 3518(E), dated the 23rd November, 2016, the Central Government deems it necessary to permit increase in production capacity in respect of processing, production and manufacturing sector with or without any change in raw material-mix or product-mix or change in quantities within products or number of products or any change in configuration of the plant or operations in areas contiguous to the existing area, for which prior environmental clearance has been granted, without the requirement of Prior Environmental Clearance provided that there is no increase in pollution load;

AND WHEREAS, for the purpose of Ethanol Blending Programme with Petrol, a special dispensation was provided for expansion of sugar manufacturing or distillery units, intended for production of Ethanol vide notification number S.O. 345(E), dated the 17th January, 2019 and notification number S.O. 750(E), dated the 17th February, 2020. In view of the Government's commitment to achieve 20% blending of ethanol in petrol by the year 2025, it has been decided to continue further with this dispensation;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, hereby makes following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification, -

1. in paragraph 2, for clauses (ii) and (iii), the following clause shall be substituted, namely:-

"(ii) Expansion, modernisation or any change in the product mix or raw material mix in existing projects or activities, listed in the Schedule to this notification, resulting in capacity beyond the threshold limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7";

2. in paragraph 7,-

A. in the heading, the words "for New Projects" shall be omitted;

B. in the sub-paragraph (i), the words "**For new projects or activities listed in the Schedule to this notification.**" shall be inserted as heading to the sub-paragraph;

C. in the sub-paragraph (ii),-

(I) in the clause (a), after the words "*application shall be appraised accordingly for grant of environmental clearance*", the following words shall be inserted, namely:-

"in respect of projects or activities other than falling in clause (b) and (c)";

(II) for clauses (b) and (c), the following clauses shall be substituted, namely:-

'(b) Existing projects (having Prior Environmental Clearance) with no increase in pollution load: Any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area (for which prior environmental clearance has been granted) shall be exempt from the requirement of Prior Environmental Clearance provided that there is no increase in pollution load (derived on the basis of such Prior Environmental Clearance):

Provided that such exemption shall be applicable only consequent to -

- A. the project proponent furnishing information regarding such changes along with no increase in pollution load certificate, from the environmental auditor or reputed institutions empanelled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change, as per the procedure laid down in Appendix-XIII, on PARIVESH portal as well as to the concerned State Pollution Control Board or Union Territory Pollution Control Committee.

Note: If on verification, the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, after giving the project proponent the opportunity of being heard, holds that such change or expansion or modernisation results in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was always liable to obtain prior environmental clearance, in respect of such change or expansion or modernisation, as per the clause (a) and the provisions of Environment (Protection) Act, 1986 shall apply accordingly;

- B. installation and implementation of Online Continuous Monitoring System (OCMS) with at least 95% uptime, connected to the servers of the Central Pollution Control Board and State Pollution Control Board or Union Territory Pollution Control Committee concerned to report the quantity and quality, of emission and discharges:

Provided further that the provisions of this clause shall not be applicable if such change or increase results in change in category of project or activity from Category-'B2' to either Category-'A' or Category 'B1'.

(c) Any change in configuration of the plant or activity from the environmental clearance conditions during execution of the project after detailed engineering, in respect of projects or activities, falling in any item of the Schedule to this notification, shall not require prior environmental clearance, if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgement will be issued by the concerned Regulatory Authority.

Explanation:- For the purpose of this sub-paragraph, "Pollution load" shall be determined on the basis of multiplication of quantity and concentration of different components and parameters (as provided or referred in the Prior Environment Clearance or the Environment Impact Assessment Report (EIA) and Environment Management Plan based on which such Prior Environment Clearance has been granted), in respect of emissions, effluents or discharge, solid, industrial hazardous waste and such other parameters notified under the Environment (Protection) Rules, 1986 as amended from time to time.'

3. in the Schedule, against item 5(g), after the entry in column (5), the following entry shall be inserted, namely:-

"Note: Expansion of sugar manufacturing units or distilleries, having Prior Environment Clearance and for production of ethanol, to be used as fuel for blending only as certified by the competent authority, shall be appraised as Category 'B2' projects.";

4. for Appendix-XIII, the following Appendix shall be substituted, namely:-

"Appendix-XIII

Verification of No Increase in Pollution Load

The instant amendment in EIA Notification exempts the requirement of Prior Environmental Clearance for any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area specified in the environmental clearance of the project. This facility is available to those units which have obtained prior environmental clearance under EIA Notification, 1994 and EIA Notification, 2006. To claim exemption from obtaining Prior Environment Clearance in respect of such cases, the project proponent shall follow the following process:-

1. *The project proponent is required to obtain a certificate of 'no increase in the pollution load' from the environmental auditors or reputed institutions, to be empanelled by the State Pollution Control Board or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry).*
2. *A copy of 'no increase in pollution load' certificate and intimation, as provided by the Ministry from time to time on PARIVESH portal, shall be uploaded by the unit for which system generated acknowledgement shall be issued online;*
3. *The unit shall inform the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, in specified format along with-*
 - i. *'no increase in pollution load' certificate from the Environmental Auditor or reputed institutions empanelled by the State Pollution Control Board or Pollution Control Committee or Central Pollution Control Board or Ministry;*
 - ii. *last Consent to Operate certificate for the project or activity; and*
 - iii. *online system generated acknowledgement of uploading of intimation and 'no increase in pollution load' certificate on PARIVESH Portal;*
4. *The information so received shall be examined by the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, who shall take decision on such information, received from the project proponent.*
5. *If on verification the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, holds that the change or expansion or modernisation will result or has resulted in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was liable to obtain Prior Environmental Clearance before under taking such changes or increase, as per the clause (a) of sub-paragraph (ii) of paragraph 7 of this notification and the provisions of Environment (Protection) Act, 1986 shall apply accordingly.*

Note: For removal of doubts, it is clarified that it shall be the responsibility of the project proponent to satisfy itself about 'no increase in pollution load' as a result of changes, expansion or modernisation, as the case may be, before under taking such changes or increase, and the project proponent shall be liable for action under the provisions of the Environment (Protection) Act, 1986 if on verification of facts or claim it is found that such change or expansion or modernisation involves increase in pollution load."

[F. No. 22-33/2019-IA.III]

GEETA MENON, Jt.Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and was last amended vide the notification number S.O.221(E) , dated the 18th January, 2021.